

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DARRELL PARNEL BERRIAN,

Petitioner,

V.

STATE OF WASHINGTON,

### Respondent.

No. C14-5686 RBL-KLS

## ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the petition for writ of habeas corpus, the response, the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and **ORDER:**

- (1) The Court adopts the Report and Recommendation.
- (2) The petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**. Petitioner's motion for application to proceed in forma pauperis (Dkt. 1) is **denied as moot**.
- (3) The Clerk is directed to send copies of this Order to Petitioner, counsel for Respondent and to the Hon. Karen L. Strombom.

**DATED** this 10<sup>th</sup> day of October, 2014.

Ronald B. Lightner

RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE